

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)

Revision of Part 22 of the)
Commission's Rules Governing the)
Public Mobile Services)

CC Docket No. 92-115

To: The Commission)

COMMENTS OF THE RURAL CELLULAR ASSOCIATION

The Rural Cellular Association ("RCA"), by its attorneys and pursuant to Rule Section 1.415 of the Commission's Rules, submits the following comments in response to the Further Notice of Proposed Rulemaking ("FNPRM") in the above-captioned proceeding released by the Federal Communications Commission ("FCC" or "Commission") on May 20, 1994.

I. STATEMENT OF INTEREST

The RCA is an association comprised of small cellular operators providing service to rural America. RCA's members serve over eighty licensed areas across the country covering approximately 6.5 million in population. The majority of the area covered by RCA member companies is rural in nature. RCA member companies file applications before the FCC on a regular basis. Accordingly, RCA member companies will be directly affected by the rules adopted in this proceeding.

The RCA commends the Commission for taking measures that will streamline and improve the processing of Public Mobile Service

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("PMS") applications, thereby facilitating the prompt delivery of PMS service to the public. The RCA, however, will limit its comments to those proposals affecting cellular service.

II. DISCUSSION

A. Service Area Boundary Extensions

The FCC's current rules allow a cellular licensee to expand its composite Service Area Boundary ("SAB") into an adjacent cellular carrier's Cellular Geographic Service Area ("CGSA") pursuant to a written agreement with the adjacent licensee at any time. Such an extension is referred to as a "contract extension". A licensee may also extend its SAB into an adjacent market that is not covered by the adjacent licensee's CGSA, but only if the five-year fill-in period has not expired for the adjacent market. Such an extension is referred to as a "de minimis extension". As stated by the Commission in the FNPRM, in cases where the five-year fill-in period has expired and the extending carrier has entered into a contract extension with the adjacent licensee to extend into the adjacent licensee's CGSA, the FCC staff must review the application and compare composite maps to determine whether the SAB of the extending licensee will cover any unserved area. This process is extremely burdensome for the FCC staff and delays the processing of cellular applications. The Commission has proposed that licensees seeking such contract extensions specify in the FCC Form 489 whether the five-year fill-in period has expired and, if so, certify that the cell's SAB will not cover any unserved area.

The RCA supports the Commission's proposed certification requirement and adds that this certification procedure will not only make the processing of applications easier and less burdensome on FCC staff, it will also clarify for licensees and applicants seeking to serve unserved area whether the area is served or not. The RCA also suggests that the Commission adopt the same procedure for major modification filings made on the FCC Form 401 application. A similar procedure for major modifications will further ensure compliance with the FCC's five-year fill-in rules and SAB extension rules.

B. Map Scale

The Commission proposes to modify Rule Section 22.926 to require maps to be submitted on a 1:500,000 scale rather than the current 1:250,000 scale. Members of RCA serve primarily RSAs. The RSAs located in the southwestern and western states cover expansive areas. In order to depict the entire RSA using the 1:250,000 scale, some cellular licensees must file five or more maps. Using a 1:500,000 scale map will reduce the filing burden on cellular licensees and the burden on FCC staff who must handle and store these maps. The Commission suggests that while the 1:500,000 scale map will result in less detail, it will not affect the ability to determine service area boundaries since SABs are easily computed using the mathematical formula set forth in Rule Section 22.903(a). Moreover, as noted by the Commission, these maps are readily available for cellular licensee use from the U.S. Geological

Survey. Accordingly, the RCA urges the Commission to adopt this proposal to lessen the burden on both the FCC staff and cellular licensees.

C. Elimination of Licensing for Inner Cells

The Commission has also proposed to eliminate the need for cellular licensees to notify the Commission when adding internal cells when the internal cell's contour will remain entirely within the contour of existing authorized cells. If such notification is no longer required, the Commission would instead require all cellular licensees to prepare and file a one time filing listing the following information for each external cell site:

1. the geographic coordinates and cell site location description as required in Item 27 on schedule B of FCC Form 401; and
2. the operating and technical parameters for the cell site which is currently required in Table MOB 2 and Table MOB 3 of FCC Form 401.

The RCA supports the FCC's proposal and agrees that it will eliminate routine, unnecessary filings for cellular systems. The RCA strongly suggests that in addition to this information, the FCC also require cellular licensees to file a 1:500,000 scale map depicting the contours of the external cells. In addition to the other information, the 1:500,000 scale map filing will serve to visually depict the coverage of cellular systems, thereby allowing licensees proposing extensions into adjacent markets an opportunity to quickly gauge whether engineering designs will extend into unserved area or require agreements for an extension. Accordingly,

the RCA urges the Commission to additionally require the one time filing of a 1:500,000 scale map by each cellular licensee.

D. System Information Updates

The RCA supports the Commission's proposal to also change the scale of the System Information Update ("SIU") maps from the 1:250,000 scale to the 1:500,000 scale and to eliminate the need to depict internal cells. These changes are consistent with the changes discussed above, will reduce staff processing time and reduce the need for more storage area which, in turn, will allow the staff to operate more efficiently.

The RCA also favors the Commission's proposal to require licensees submitting SIU maps to include the coordinates of all external cell sites along with the information provided in the MOB 3 Table of FCC Form 401. This information will help prevent disputes between existing cellular licensees and applicants for unserved area by providing an accurate method to determine the exact CGSA of a cellular system thereby keeping unserved area applicants from designing systems that overlap with existing cellular systems.

The RCA agrees with the Commission's proposals to eliminate the filing of frequency utilization charts. Adjacent licensees are the only parties interested in the information and pursuant to Rule Section 22.902(d), all cellular licensees are required to provide notification of frequency use to all adjacent licensees within 75 miles. Thus, the filing of this information as part of the SIU is

unnecessary and redundant. Moreover, the information becomes outdated rapidly thereby serving no purpose. Accordingly, the RCA supports the Commission's proposal to eliminate the filing of the frequency utilization charts with the SIUs.

Lastly, the RCA supports the Commission's proposal to require licensees to label the SIU maps with the market number and the cellular carrier's name. This procedure will not only ensure that the maps are associated with the correct files, it will also more readily assist the public in determining which areas are served by existing cellular licensees thereby preventing disputes between cellular licensees and unserved area applicants.


III. CONCLUSION

For the reasons set forth above, the RCA respectfully requests the Commission to adopt the proposed cellular rule changes. These rule changes will streamline and improve the processing of cellular applications, thereby facilitating the prompt delivery of cellular service to the public.

Respectfully submitted,

RURAL CELLULAR ASSOCIATION

By:

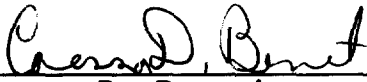

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June 20, 1994

Certificate of Service

I, Caressa D. Bennet, regulatory counsel to Rural Cellular Association, hereby certify that copies of the foregoing Comments of the Rural Cellular Association were served on the 20th day of June, by first class, U.S. mail, postage prepaid, to the following:


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